

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GM CASTING HOUSE INC.

Plaintiff,

v.

FOREVER COMPANIES, INC.

Defendant.

) Case No. 1:24-cv-01821

) **DECLARATION OF ROBERT**
) **MIXELL SETTING FORTH**
) **PLAINTIFF'S DAMAGES**

I, Robert Mixell, pursuant to 28 U.S.C. § 1746, declare:

1. I am the Director of Finance and Company Secretary for Plaintiff GM Casting House Inc. ("GM"). I submit this declaration setting forth GM's damages based on Defendant Forever Companies, Inc. d/b/a Diamond Nexus's ("Diamond Nexus") misappropriation of trade secrets under federal and state law and breach of contract. The statements made in this declaration are based on my own personal knowledge and, if sworn as a witness, I could testify competently to these statements.

2. I received an associate's degree in Business Administration at City College of Chicago, and a bachelor's degree in Business Management at DePaul University. I have worked for GM since October 2006. In 2009, I was promoted to oversee GM's accounting department on a full-time basis as the Director of Finance. As the Director of Finance for GM, my main duties currently include overseeing and maintaining all accounting functions, financial reporting, inventory management, and payroll.

3. Since at least 2015, GM supplied Diamond Nexus with jewelry based on the forty confidential CAD files at issue in this lawsuit ("GM Jewelry"). The business relationship between GM and Diamond Nexus began to deteriorate during the summer of 2023 and ultimately was terminated in or around September 2023.

4. During the course of GM's business relationship with Diamond Nexus, I was responsible for coordinating payments from Diamond Nexus and worked directly with Diamond Nexus's Chief Financial Officer and accountants.

5. I reviewed the historic revenue, costs, and net profit related to sales of GM Jewelry to Diamond Nexus to determine GM's lost profits from July 2023 to March 2025 caused by Diamond Nexus's misappropriation and breach of contract.

6. In 2021, GM's revenue based on sales of GM Jewelry to Diamond Nexus was \$590,942.17. GM's costs were \$422,954.75. Therefore, GM's net profit for 2021 was \$167,987.

7. In 2022, GM's revenue based on sales of GM Jewelry to Diamond Nexus was \$369,431.89. GM's costs were \$258,346.02. Therefore, GM's net profit for 2022 was \$111,085.87.

8. In the first half of 2023, GM's revenue based on sales of GM Jewelry to Diamond Nexus was \$113,291.06. GM's costs were \$78,367.31. Therefore, GM's net profit for the first half of 2023 was \$34,923.75.

9. Forever Companies stopped utilizing GM to supply GM Jewelry in the second half of 2023. If Forever Companies had continued, GM's net profit for the second half of 2023 would have been at least equal to the first half (\$34,923.75).

10. Taking the net profit for 2021 (\$167,987), the net profit for 2022 (\$111,085.87), and the projected net profit for 2023 (\$69,847.49), GM's average yearly net profit based on sales of GM Jewelry to Diamond Nexus is \$116,306.93. Thus, GM's lost profit in 2024 is \$116,306.93, and GM's lost profit in the first quarter of 2025 is \$29,076.73 (\$116,306.93 multiplied by 0.25).

11. GM's total lost profit caused by Diamond Nexus's misappropriation and breach of contract is \$180,307.40 (\$34,923.75 + \$116,306.93 + \$29,076.73).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on April 4, 2025, in Chicago, Illinois.

By:



Robert Mixell
Director of Finance, GM Casting House Inc.